

IOWA BOARD OF EDUCATIONAL EXAMINERS

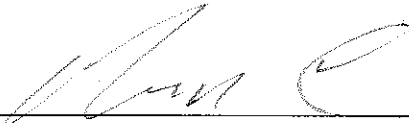
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| IN THE MATTER OF: Rose Cartee, Respondent. | FINAL ORDER Case No. 19-182 License No. 992028 |
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1. On September 24, 2020, the parties in the above-captioned case submitted a resolution agreement to the Board.
2. The Board reviewed this agreement at a virtual meeting on October 23, 2020.
3. Pursuant to 282 Iowa Administrative Code rule 11.4(4), the Board acknowledges the agreement and incorporates it into this order imposing the agreed-upon sanction.

ORDER

THEREFORE, the respondent is **REPRIMANDED**. The agreement of the parties is hereby incorporated into this order by reference.

Dated this 23rd day of October, 2020.



Michael D. Cavin, Interim Executive Director
On behalf of the Board

Copies to:

Rose Cartee (first-class mail and certified mail)
RESPONDENT

Christy A. A. Hickman (electronic mail)
ATTORNEY FOR RESPONDENT

Des Moines Public Schools (electronic mail)
COMPLAINANT

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
SEP 24 2020

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| In the Matter of ROSE CARTEE, Respondent. | Case No. 19-182 JOINT MOTION TO WITHDRAW COMPLAINT UPON SETTLEMENT OF THE PARTIES |
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COME NOW the Respondent, Rose Cartee, and the Complainant, the Des Moines Independent Community School District (the "District"), pursuant to Iowa Code section 272.2(15) and 282 Iowa Administrative Code r. 11.4(4), and offers the following agreement for settlement of Case Number 19-182:

1. The District filed a complaint against the Respondent on December 23, 2019, for violation of Iowa Board of Educational Examiners' Standards of Professional Conduct and Ethics, Standard V, Violations of Contractual Obligations, alleging abandonment of a written employment contract in absence of a release.
2. On June 26, 2020, the Iowa Board of Educational Examiners found probable cause to forward the matter to a hearing.
3. A hearing was scheduled for September 14, 2020, before Administrative Law Judge Laura Lockard. ALJ Lockard has continued the hearing to allow the parties to work toward final resolution of the issues in the complaint.
4. In order to resolve the Complaint, the District and Respondent agree as follows:
 - a. The District will withdraw the Complaint filed against respondent.
 - b. Respondent will agree to accept a Letter of Reprimand by the Iowa Board of Educational Examiners.

NOW, THEREFORE, the parties respectfully request the Iowa Board of Educational Examiners issue to Respondent a Letter of Reprimand, in exchange for which the District hereby withdraws the above-captioned complaint.

Rose Cartee

Rose Cartee, Respondent

Tiffany A. O'Donoghue

Des Moines Independent Community School
District, Complainant

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

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|---------------------|---|---------------------------------|
| In the matter of |) | Case No. 19-182 |
| |) | Folder No. 992028 |
| ROSE CARTEE, |) | |
| |) | NOTICE OF HEARING |
| Respondent. |) | AND STATEMENT OF CHARGES |

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Monday, September 14, 2020, before Administrative Law Judge Laura Lockard, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 1:00 p.m. at the Department of Inspections and Appeals, Wallace State Office Bldg. Auditorium, Second Floor (in order to enable sufficient social distancing), 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. Please enter the Wallace Building at the main entrance on the east side. Public parking is available in the parking ramp on the west side of the Wallace Building. If the building is locked upon your arrival, please wait and someone will let you in momentarily. You may also call (515) 281-6468 upon arrival. This location is subject to change prior to the hearing. You will be notified should there be a change in location. Included with this Notice of Hearing and Statement of Charges is a copy of the Administrative Hearings Division In-Person Hearing Pandemic Protocol that will be in place at the time of the hearing.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

This hearing may be held telephonically or by some other electronic means with consent of all the parties. If either party wishes to present telephonic testimony or to participate in the hearing by telephone (or other electronic means), arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephonic testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The Complainant is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to the Complainant at the following address:

Des Moines Public Schools
2100 Fleur Drive
Des Moines, IA 50321

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Michael D. Cavin, the Board's Executive Director, at (515) 281-5849.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with Abandoning a written professional employment contract without prior unconditional release by the employer, in violation of 282 Iowa Administrative Code rule 25.3(5)(a)(2).

C. JURISDICTION AND LEGAL AUTHORITY

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

9. Respondent holds a Standard License (FOLDER # 992028) with the following endorsements: K-6 Teacher Elementary Classroom; K-8 Reading; K-8 Instructional Strategist I: Mild/Moderate. This license is current and will next expire on 3/31/2024. Respondent previously held a Class E Emergency License (Extension of B) with a K-12 Instructional Strategist II: ID endorsement, which expired on 6/30/2015.

10. During all material events of this case, Respondent was employed as a special education teacher with the Des Moines Independent School District.

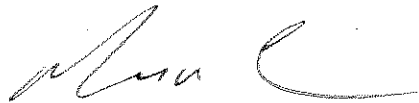
11. On December 23, 2019, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On or about June 26, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

12. Investigation revealed that on or about August 19, 2019 the Respondent did not report to work, call or indicate she would not appear for work pursuant to the agreed to obligations in her properly executed contract with the Des Moines Community School District. The Respondent resigned but was not released from her contract.

E. SETTLEMENT

13. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 15th day of July, 2020.



Michael D. Cavin, Interim Executive Director
Iowa Board of Educational Examiners

Copies to:

Rose Cartee (certified mail and first-class mail)
RESPONDENT

Christy Hickman (electronic mail)
ATTORNEY FOR RESPONDENT

Des Moines Public Schools (electronic mail)
COMPLAINANT